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| 09/919,020                                | 07/31/2001  | James T. LaGrotta    | 12-21               | 3693             |
| 32498                                     | 7590        | 12/28/2007           | EXAMINER            |                  |
| CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC |             |                      | LE, KAREN L         |                  |
| P.O. BOX 1995                             |             |                      | ART UNIT            | PAPER NUMBER     |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/919,020  
Filing Date: July 31, 2001  
Appellant(s): LAGROTTA ET AL.

**MAILED**  
**DEC 28 2007**

**Technology Center 2600**

**JAMES T. LAGROTTA ET AL.**  
**For Appellant**

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 2/10/06 appealing from the Office action mailed 8/11/05. This is the same as Examiner's Answer mailed 5/04/2006.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

|              |                   |         |
|--------------|-------------------|---------|
| 2002/0149811 | Willebrand, Heinz | 10-2002 |
| 6049593      | Acampora, Anthony | 04-2000 |

|         |                   |         |
|---------|-------------------|---------|
| 5959531 | Gallagher et al   | 9-1999  |
| 6128512 | Trompower et al.  | 10-2000 |
| 6314163 | Acampora, Anthony | 11-2001 |
| 6323980 | Bloom, Scott H.   | 11-2001 |

### **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

#### ***Claim Rejections - 35 USC § 103***

3. Claims 1-7, 10-13, 16-19, 22-25 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over admitted prior art (Fig. 1) in view of Willebrand (US 2002/0149811).

Regarding claims 1, 10, 17, 24, and 29 admitted prior art teaches an RF base station apparatus (Fig. 1, item 105) comprising first RF communication equipment (Fig. 1, item 110), a processing and control section (fig. 1, item 120), processing and control section being at a significant distance from the RF antenna (Fig. 1, item 130). Fig. 1 of application's specification (prior art) does not teach first wireless optical communication equipment coupled to an RF communication equipment, second wireless optical communication equipment coupled to the processing and control section and the wireless optical communication equipment being adapted to communicate signals between RF communication equipment and processing and control equipment.

However Willebrand teaches routing network data traffic through an alternate communication path, re- evaluating the alternate communication path selection, and rerouting the network data traffic over the one or more free-space optical links in the free-space optical network (Para. 0010, Para. 0031 and Fig. 3, item 216 and 214). Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Willebrand's free-space optical communication system to the RF and the processing and control section of admitted prior art (Fig. 1, item 130 or 140) to replace the cable connection between two sections of RF base station. It is always desirable to use wireless instead of cable in expensive land area to reduce cost without reducing the signal of the system.

Claims 2-4, 11-13, 18-19, 22, 25 and 30, are rejected for the same reason as claim 1.

Regarding claims 5-6, and 28, admitted prior art teaches the first wireless RF communication equipment comprises an RF antenna (Fig. 1, item 110), and RF module (Fig. 1, item 320).

Regarding claims 7, 16, and 23, prior art does not teach the wireless optical communication comprise a telescope. However, Willebrand teaches the wireless optical communication comprise a telescope (Fig. 3, item 206 or 216).

#### **(10) Response to Argument**

Regarding Appellant's statement (Brief, page 13) that the alleged admitted prior art does not disclose:

Item (b) wireless optical communication equipment coupled to the first wireless RF communication equipment, and adapted to communicate signals, between the first wireless RF communication equipment and processing/control equipment.

Item (c) the first wireless RF communication equipment and the processing and control equipment are not co-located.

Regarding Appellant's statement (Brief, page 13) Willebrand does not disclose or suggest a RF base station apparatus having a first wireless RF section that is not co-located with processing and control equipment.

Examiner respectfully submits that the admitted prior art does teach item (c) the first wireless RF communication equipment and the processing and control equipment are not co-located (See Fig. 1, item 110 and 120). RF antenna 110 (the first wireless RF communication equipment) is located at building 115. Processing /control equipment 120 is located at building 125. Therefore, RF antenna 110 and the processing/control equipment 120 are not co-located. Prior art does not teach item (b). However, Willebrand teaches wireless optical communication equipment that provide an over the air optical link (See paragraph 0009). A provider can always replace wired system with wireless system or vice versa in order to overcome the disadvantage. It is inherent to replace wired link with wireless link which requires any hardware to make the wireless link connected (e.g. RF-to-optical Hardware). Willebrand is the secondary reference, Willebrand does not need non-colocated hardware and it does not have to be bodily incorporated in the primary reference.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,  
Karen Le  
December 17, 2007

**Conferees:**

Ahmad Matar

Supervisory Patent Examiner

Fan Tsang

Supervisory Patent Examiner

Karen Le



Patent Examiner

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09/919,020  
Art Unit: 2614

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Conferees:

Wing Chan

Supervisory Patent Examiner



12/21/07

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Patent Examiner

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